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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,881	02/27/2004	Hitoshi Takeda	17268-002001	6766
26211	7590	12/01/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			REHM, ADAM C	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H/A

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,881	<b>Applicant(s)</b> TAKEDA ET AL.	
	<b>Examiner</b> Adam C. Rehm	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/7/2004; 2/27/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by GLOODT ET AL. (US 2003/0151924), which discloses a vehicular lamp (12) comprising:

- A semiconductor light emitting element for generating light to be emitted by the lamp (12, Paragraph 18);
- A current controlling unit for changing a current supplied to said semiconductor light emitting element based on ambient light level, speed of the vehicle or if stopped (66, Paragraph 23, see “rate of revolution”);
- A plurality of LEDs connected in parallel (Paragraph 18).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over STAM ET AL. (US 6,593,698) in view of TURNBULL ET AL. (US 5,803,579). STAM discloses a vehicle lamp (22) comprising:

- A plurality of lamps for generating light (22);
- A current controlling unit/beam switch device/regulator (76) for changing a current supplied to said lamp based on ambient light level (Column 7, Lines 62-Column 8, Line 36) or speed of the vehicle via a speed signal outputting unit (72);
- Wherein the lamp intensity is reduced if speed is reduced (Column 2, Lines 29-30); and
- Control and reducing current to vehicular lamp occurs gradually (Column 8, Lines 15-28);

3. STAM does not disclose a semiconductor light-emitting element that alternates current depending on temperature. However, TURNBULL teaches a semiconductor light-emitting element/LED lamp that alternates current depending on temperature for the purpose of allowing the LED to be driven at optimum ranges (Column 31, Line 33-Column 32, Line 11). It would have been obvious to one of ordinary skill in the art at the time of invention to modify STAM and use the temperature-dependent current as taught by TURNBULL in order to ensure that the maximum allowed LED output is achieved at all operating temperatures.

4. Neither STAM nor TURNBULL disclose a plurality of LEDs wherein all of the LEDs are activated when an increased visibility is desired (e.g. higher speeds) or less

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than all LEDs are activated when lower visibility is idea (e.g. lower speeds). However, STAM discloses and it is an obvious matter of design choice to increase light intensity proportionate to an increase in speed. Likewise, it would have been obvious to one having ordinary skill in the art at the time the invention was made to increase light intensity by adding and activating additional LEDs, since it is known that additional LEDs create additional light. Furthermore, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. BOERGER ET AL. (US 6,760,124) discloses an LED that is derated relative to its ambient temperature.
5. LYS ET AL. (US 6,528,954) discloses an LED system with intensity control.
6. CRETEN (US 3,743,886) discloses a system for automatically reducing the intensity of vehicular headlamps.

### ***Correspondence***

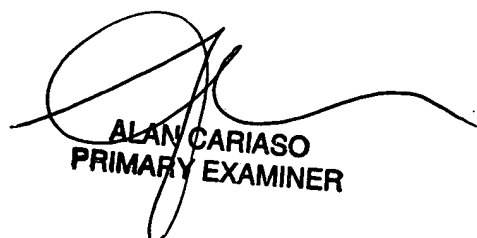
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR  
11/27/2005



ALAN CARIASO  
PRIMARY EXAMINER